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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

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10 BIC USA, INC.

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 DONNA R. NELSON, an individual and
14 on behalf of the general public,

15 Plaintiff,

16 vs.

17 BIC USA, INC., a Delaware corporation,
and DOES 1 through 100, inclusive,

18 Defendants.

CASE NO.:

Originally filed in the Superior Court
for the State of California, County of
San Diego, Case No. 37-2007-
00081566-CU-BT-CTL

**DECLARATION OF STEVE
MILKEY IN SUPPORT OF
DEFENDANT'S NOTICE OF
REMOVAL**

19
20 I, Steve Milkey, declare:

21 1. I am the Senior Director of Sales for Defendant, BIC USA, INC.
22 ("BIC"). BIC is a corporation formed under the laws of the State of Delaware.
23 BIC's principal place of business is located in Milford, Connecticut. I am over the
24 age of eighteen years and a citizen and resident of the United States of America.
25 The matters stated in this declaration are of my own personal knowledge gained as
26 an employee of BIC and, if called upon as a witness, I could and would
27 competently testify thereto.
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1 2. Each memorandum, report, record, or data compilation relied on or
2 referenced in this declaration, including, but not limited to, sales, revenue, and
3 profit records, has been kept in the course of a regularly conducted business
4 activity, and it has been the regular practice of BIC to create and maintain these
5 records as part of its regularly conducted business activity.

6 3. I have reviewed the Complaint filed by Plaintiff, Donna R. Nelson,
7 captioned *Donna R. Nelson vs. BIC USA, Inc. and Does 1 through 100, inclusive*,
8 filed in the Superior Court for the State of California in and for the County of San
9 Diego, Case No. 37-2007-00081566-CU-BT-CTL.

10 4. As the Senior Director of Sales, I have access to BIC's sales data for
11 the periods November 14, 2003, through the present. I have reviewed this data in
12 preparation for verifying this declaration. During the four-year period preceding
13 the filing of this action, from November 14, 2003 through November 13, 2007,
14 BIC sold more than 50 million J-26 "Made in the USA" (i.e., "Maxi") lighters in
15 the State of California. Further, during this period from November 14, 2003
16 through November 13, 2007, BIC has received in excess of \$5 million dollars in
17 revenues from the sale of BIC J-26 "Made in the USA" (Maxi) lighters in the State
18 of California. BIC's profits from the sale of the "Made in the USA" Maxi lighters
19 are also in excess of \$5 million dollars. The sales, revenue, and profit figures
20 contained in this paragraph relate to and represent only those Maxi lighters that
21 contain the notation, "Made in USA"; they do not relate to or represent sales,
22 revenue, or profit figures as to those Maxi lighters that contain the notation, "Made
23 in France," "Made in Brazil," or any other country of
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1 origin other than the BIC Maxi lighters made in the USA. Sales of the Maxi
2 lighters are continuing daily.

3 I declare under the laws of the State of California and the United States of
4 America that the foregoing is true and correct.

5 Executed this 17 day of December, 2007, in Milford, Connecticut.

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9 Steve Milkey
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